

A meeting of the Jasper County Board of Zoning Appeals was held Wednesday, December 20, 2017 at 7:00pm. in the Commissioners' Room of the Jasper County Courthouse, Rensselaer, Indiana. Members present: Kent Korniak, Jim Martin, Scott Walstra, Mark Jordan and Lance Strange. Also present: Todd Sammons, Randle and Sammons, Administrative Attorney; Mary Scheurich, Director and Kelli Standish, Secretary. Absent was: None.

Meeting was called to order by Chairman Jim Martin. The Pledge of Allegiance was recited. The first order of business was the call for approval of the November 2017 minutes.

Kent Korniak made the motion to approve the November 2017 minutes. Motion was seconded by Lance Strange and carried unanimously.

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Special Exception

Cause#BZA-7-17

Applicant: Gregory and Amy Satoski

Location: Sec.15-31-5 – Walker Twp. 850N. E. of 300E. N-side

Use: Mining of a Sand Operation for a pond

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Public hearing held pursuant to notice published October 24, 2017 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Jim Martin stated that they have asked for the application to be continued to the next regularly scheduled meeting on January 22, 2018 since they are waiting on Drainage Board approval.

Mark Jordan made the motion to continue the application to the next regularly scheduled meeting on January 22, 2018 at 7:00pm. Motion was seconded by Scott Walstra and carried unanimously.

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Use Variance

Cause#BZA-9-17

Applicant: Jasper County Recovery House

Landowner: Benjamin Harris c/o Duane Nelson

Location: Sec.32-29-7 – Newton Twp. - Bunkum Road (600S.) E. of 1100W. S-side

Use: Addiction Recovery Residence

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Jim Martin asked Mary Scheurich about how many people have contacted your office in

regards to the proposed application?

Mary Scheurich replied that we have had a few people call the office in regards to the proposed application.

Jim Martin stated that he had one person contact him in regards to the application and wondered if the other board members had been contacted by individuals as well.

Mark Jordan stated that he had one person contact him in regards to when the meeting was and that that person would not be able to make the meeting and stated his thoughts to him.

Kent Korniak stated that he has had a family member and another person ask him about the application but at the time I was not aware of the application being on the agenda. He does own property within a half mile of the proposed application and would like some guidance as to if he needs to excuse himself from the proposed application as a member.

Attorney Sammons asked if Kent Korniak would not be able to make an impartial decision based on the hearing tonight.

Kent Korniak replied that he does not feel he would be able to make an impartial decision for the proposed application since he has family property and personal property in the area.

Attorney Sammons stated that if Kent Korniak feels he cannot make an unbiased decision based on the evidence presented and if he has preconceived notions, things like that are by law conflicts of interest. If that is the case then he should excuse himself from the proceedings.

Kent Korniak stated that he would then excuse himself from the proposed application.

Scott Walstra stated that he heard about the proposed application about 6 months ago from a group of the proposed applicants in their church but we can't be excused from everything. He feels he is unbiased to the application.

Jeff Philips was present and stated that he is a board member of the Jasper County Recovery board. They are asking for a use variance approval for the proposed Jasper County Recovery house that is related with teen challenge to hopefully help addicted men over the age of 18 with their addictions in a structure environment.

Scott Walstra stated that he feels if they read the Facts of Findings now that may eliminate a lot of questions people may have.

John Hill was present and stated that he is a member of the Jasper County Recovery board and the Pastor at the First Church in DeMotte he then read the Facts of Findings.

(i). The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community. (Consider whether the variance will hurt or potentially cause harm to the county.)

**Response: We do not believe the Jasper County Recovery House will be injurious to the public health, safety, morals and general welfare of the community in anyway, in fact we believe just the opposite. This program is designed to take in individual adult males voluntarily, who have a life controlling addiction causing harm to themselves and or the community and help them overcome this addiction with the aid of education and biblical counseling. No medications are distributed at the facility.**

**Clients will be under 24 hour supervision with a ratio of at least 1 staff member to 2 clients. They will be at the Recovery House for 30-60 days before being sent to finish the program in Elkhart, IN.**

**Clients will be employed to help pay for their tuition working during the 1<sup>st</sup>. half of the day. The client will be transported to that work by staff. The client will eat at the facility and begin their individual studies that will teach coping skills as well as biblical principles improving their morals and making them a better citizen. Each evening the men will engage in a church service of some type either being transported to a church or at the Recovery House. Each Sunday the men will be attending a church service.**

**The men will be involved in serving the community in a variety of ways from attending school functions designed to help prevent drug addiction among local schools and community events intended to help adults deal with or prevent drug addiction with family members.**

**We cite the Elkhart Teen Challenge as an example of success when these men complete their training of 12-18 months, a dramatic improvement takes place in their lives keeping them drug free and employed, which greatly affects their families and community, just the opposite of the previous life style.**

(ii) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. (Consider whether neighboring property will suffer any major negative impacts.)

**Response: We see no negative impacts for surrounding area property regarding use or value and cite the Rensselaer Crisis Center as being a similar type facility where individuals come in with life altering addictions. The Crisis Center has been in the Rensselaer City limits for years and has had very little or no effect on the neighboring homes or their families. Our Recovery House is located much further away from any nearby homes.**

(iii) That the need for the use variance arises from some condition peculiar to the property involved.

**Response: Housing and addiction counseling.**

(iv) The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought. (Consider what difficulties the owner would have developing the property according to the zoning ordinance standards).

**Response: We see no significant changes in this home from its original state.**

(v) The approval does not interfere substantially with the Jasper County Comprehensive plan.

**Response: N/A**

Mark Jordan asked if there would be an individual that would have permanent residency in the home? Is this owned and operated by the organization.

Jeff Philips replied that they would have permanent residency in the home. Replied affirmatively to this being owned and operated by the organization.

Attorney Samantha Joslyn was present and stated that she represents Benjamin Harris Trust, they are the landowners of the property. The Jasper County Recovery House has entered into a lease with Benjamin Harris Trust.

Jim Martin asked if the Jasper County Recovery House will be using the existing buildings that are located on the property or will you be constructing new buildings on the property? How many people do you plan on having there?

Jeff Philips replied that they are only planning on using the existing home that is located on the property. They are planning to have from 1-8 people at the Recovery house. After 30 to 60 days they will move the men that have successfully completed that portion of it to the teen challenge in Elkhart. Hopefully in the future if we develop it to the point where they are very successful or we see that the need is great enough in Jasper County they can continue this program at the proposed location. They will develop it in to a 12-15 month program. A couple of the board members of the Teen Challenge have gone to visit the Elkhart house to see how the structure of the environment is there. They feel this will be safe, effective and we thought it would be effective for the people that need the recovery in Jasper County. What he is doing now in his job is not working so we need to look for something else that is going to work.

Scott Walstra asked if the proposed recovery house is only for Jasper County residence or are other counties residence allowed to come to the recovery house.

Jeff Philips replied that this is opened to the Jasper County residence but he can see a need in the future that someone from another county may need to come to the recovery house. Before a person can come to the recovery house they will be interviewed at the Rensselaer Police station to see if they qualify for the program. It's a lengthy process for someone to be able to go to the recovery house.

Jim Martin asked how many people will be in the house all together including supervisors.

Andy Collins replied that they have the potential to have 2 full time staff and up to 4 interns you could actually have up to 5 or 6 full time supervisors on site.

Jim Martin asked if they feel they have accommodations for that many people in the proposed house.

Andy Collins replied affirmatively.

Mark Jordan asked if there would be any visitors that will come to the recovery house.

Andy Collins replied in the negative, there will not be any visitors allowed on the property. They are called students as opposed to calling them clients because this is not a medical facility. This is more of a Faith base approach. There are 2 bedrooms upstairs that will house up to 4 interns and potential of 2 full time staff that could live in the downstairs level. The only added traffic will be someone transporting them to and from work. There will be no visitation on the site.

Lance Strange asked how the students get chosen to go to the recovery house.

Andy Collins replied that the process for a student to be qualified for the recovery house is: they have to be willing to come on their own. There are no court orders for them to go to the recovery house. One main thing they look for in the interview is their willingness to want to transform, their willingness to want to leave everything behind and start new lives and become members of society. Most of them will have had some previous convictions in their history due to their lifestyle but the fact is, this is not a get out of jail card. The judge can not send someone there against their own will and neither would we take someone in that situation. They have to pass a lengthy interview. They only open up beds for the people that are willing to want or say they want to change.

Mark Jordan asked if there was going to be a sign on the property that would indicate this would be a business.

Andy Collins replied in the negative, the property will look no different than how it is now.

Jim Martin asked who pays for this and are you funded?

Jeff Philips replied that the recovery house is all funded privately (example; churches, business owners, individuals), there is a small tuition if the family can afford it. Most of them cannot afford this because of their backgrounds.

Attorney Sammons stated that there is case law that states we cannot treat this as a business. You can put any type of restrictions onto the proposed application. This is considered a residential use.

Andy Collins stated that this is not bringing a drug problem to Jasper County, the drug problem is already in the county and this program is to help people come out of their addiction. He does completely understand everyone's concerns and their only goal is to be of assistance to the county. He understands that no one wants this in their back yard but it is already in people's back yards and they don't know about it. We want to be able to help in any way they can.

Jim Martin asked if anyone present had any opposition to the application.

Suzanne Steinke was present and stated that she lives in Curtis Creek Subdivision. She knows there is a drug problem in the county but is not happy with the area that has been chosen to have the recovery house. How did you come up with this location for the recovery house? How long are the men off of drugs before they come to the recovery house? If this is still considered a residence than why do they need a use variance approval? How long will the use variance last?

Jeff Philips replied that they have researched a number of different things and to be honest with you all, he wanted it in his front yard. That is how confident he is in the program. This location came to them.

Attorney Sammons replied that they are requesting a use variance since this is not a permitted use in the A1 zoning district.

Jeff Philips replied that it depends on the need as to how long the use variance will be needed.

Andy Collins stated that the students have to detox prior to coming to their facility, this eliminates a lot of potential issues.

Dr. Steve and Mary Jennings were present and stated that they live in Curtis Creek Sub'd. He stated that he had a lot of questions and concerns in regards to the proposed application (he presented his questions and concerns list to the board members). First, I want to say that I am in favor of drug rehab, especially from a Christian perspective since I believe that will help to address the root of the problem. However, Dr. Jay Holder DC, MD, PHD, who teaches doctors to be certified in dealing with addicts, says that 80% will return to drugs after released. Based upon a clinical study at the University of Miami with drug addicts going through their first 30 days of withdrawal, those receiving chiropractic care were able to transition much easier, but the exciting part was that if they followed up after release, 80% stayed off drugs. That is huge! Therefore I may consider professional assistance, if offered; using Dr. Holders's technique to enhance the effectiveness of your efforts.

However, my wife and I are very opposed to the location in our neighborhood due to safety concerns for ourselves, our children, and our grandchildren. Anyone who follows the news including our local paper realizes that this world is getting more violent, and I am sure that drugs are a major factor. We have all heard of people who snap and do some very violent acts that were a total surprise to family, friends, and neighbors who knew them. No one really knows what is going on in another person's head. In fact, drug addicts who may have been "clean" for years can have temporary flash backs when drugs that have been chronically lodged in the body may be released for some reason as the body detoxes.

He would say that he is the most experienced physician in Jasper County. He has been practicing for over 40 years. He has seen this over and over again. It is very important to get people off drugs. He then read their requests, concerns, questions and suggestions:

Andy Collins replied that we do drug testing but we do not have a policy right now as far

as the frequency, but again this is a new adventure for this area. In Elkhart they are drug tested at least 8 times or more if they feel the need to within the 12 months they are there. They do not drug test them at the beginning of the program since they would still test positive.

Jim Martin stated that the board has not made any decision in regards to the application at this time. Anyone that was to be notified of the meeting was notified. They are to notify the landowners that are within 300ft. of the proposed application.

Rein Bontreger was present and stated that he is a board member and a member of the County Council and a local business owner. He was approached by a citizen of the county and that the only option for these individuals is through jail. He was pretty embarrassed as a council member that we do not have anything to offer to them. This is not a halfway house this is a residential feeder system for the Elkhart facility and our goal at this facility is short term. We hope to be at a bigger more permanent situation in a couple of years. This is not like community corrections, which he lives across the street from, there will not be people walking up and down the road like they do for Community Corrections.

Jim Martin asked the officers that were present if they knew how many Jasper County Residence would need this place?

Sherriff Risner replied that we have a lot of people that are sober for 6 months to a year while in the jail facility. When they are ready to leave the jail they are sober. They are scared because they know their draw is to go back to the narcotics or the alcohol. A lot of them have had life changing experiences because they woke up in the hospital or were dumped off at a curb because they overdosed and realized they have a second chance in life. They are looking for somewhere to go that is safe and has some support so they can stay clean. Faith based is much greater than any medical help they can get. We do have a lot of people that are clean but they have no place to send them.

Clark Yates was present and stated that he farms some ground in the area. He is not in favor of the proposed application. He does not see anything good about this. He has seen it firsthand that people steal things to get money for their drugs. He doesn't see how this can be residential if you are charging them to stay there.

Jeff Philips replied that this is a residential program for people that are looking for a place to go to.

Attorney Sammons stated that there is case law that says when there is a municipality that tries to put a program like this into a business or commercial entity to try to rezone it them has not upheld, they have lost their cases.

John Hill stated that he was concerned about the crime as well and he has looked into this. The Elkhart facility has never had a reported case against crime since they have been opened. This is a great program.

Jennifer Minter was present and stated that she lives in Curtis Creek subdivision. One of her concerns is that she has children and is concerned about the risk of crime that this may bring to the area. You are saying that there is no crime, but why take that chance. She is concerned about the decrease in their property values (8-17% decrease) that will happen if this is approved.

Jim Martin asked Mrs. Minter where she received the information about the property value decreasing by 17%.

Kevin Zacher was present and stated that he lives in Curtis Creek Subdivision. They were looking at Realtor Mag and it was showing within a certain vicinity of a treatment facility of this type you could expect potential property values to decrease 8-17% depending on the type of treatment facility it is. He is also concerned with their being visitors as well.

Ronald Thill was present and stated that he lives north of town. He is a grandfather of an addict and his grandson lived 14 months in Elkhart. You have not lived until you receive a phone call from the hospital and see your grandson sitting in a fetal position with a social worker sitting there. His grandson went to a treatment center in Lafayette, but eventually got into the program in Elkhart and spent 14 months there. That program changed his life.

Jim Martin asked how long is an individual in the program?

Jeff Philips replied that they are normally there for 30-60 days initially. If the program works you will not only see a change in the men that are going through this but you will also see a change in our community. He doesn't see how this will devalue the property values in the area. We are looking for a permanent place for the recovery house.

Dr. Jennings stated that you stated this was a temporary spot for the recovery home, how temporary is it?

Andy Collins replied that the current house is not practical for the long term and they understand that. This was the first step in the county.

Pat Williamson stated that Teen Challenge is already located in our school systems.

Pat DeWees was present and asked if the variance for the proposed application will still be in effect on the property once the Recovery Home is removed from the property? Will the variance affect the adjoining land if they choose to expand their livestock operation?

Attorney Sammons replied that if the proposed variance application is approved the board has options to put conditions on the variance if they choose to. He replied in the negative about the variance affecting the adjoining landowners if they choose to expand their livestock. The property is zoned A1 which is why they are requesting a use variance since the proposed use is not allowed in the A1. If the property was zoned A2 the proposed application would be allowed without any approvals from any boards.



Someone asked if the proposed recovery home is going to be handicap accessible? Will the recovery house accept an addict if they are handicap? Why are there only men? What about the woman that have addictions?

Attorney Sammons replied that since this is not a public facility the existing home does not need to meet the handicap accessible requirements.

Andy Collins replied that if there is an addict that is handicap from the county they would transport him to a different facility.

Jeff Philips replied that there are facilities that accept woman but they will not combine the two together. There are also facilities for people that are under 18 years old. Since this is something new they are starting off with the males.

Becky Zacher was present and stated that she lives in Curtis Creek subdivision. She understands that there is a need for the proposed use, but is not happy with the location of it. She has heard tonight that the application is temporary and permanent, which is it? She also asked if there are a total of 8 people in the house.

Jeff Philips replied that we are trying to get the recovery house started and we have a vision and hopefully we will find a facility for it to be permanent. They will have 1 person there per every 2 students. What they are trying to do is start this now at a location like this and then hopefully in the future if the need is there they will find a more permanent facility to do so. From his end of things he does not know if this is a good location for this to be permanent.

Kevin Zacher asked if there is any state monitoring or county health monitoring. Why can't you put the money that you will be receiving for the proposed application toward Elkhart so they could add onto their existing facility?

Jeff Philips replied that the state has come out with addiction housing. This is different than a treatment facility. If they thought there was a safety issue they would not have brought it to the proposed area. We have addressed the safety issue and have different plans set up. There will be alarms on the windows that will ring directly to a certain police department.

Mary Jennings stated that she finds it very hard to believe that this is the only house available in the county for the proposed application to go. She is opposed to the application. Are they sex offenders? I do understand the need, but do not like the location of it.

Jeff Philips replied in the negative about them being sex offenders.

Brienne Hooker was present and stated that she is representing the Jasper Foundation who is taking donations for the project and also a citizen of the county. She would rather see the recovery house obtaining approval verses her daughter asking question about a situation that happened down the street from their house where a gentleman died and she then had to explain to her 10 year old daughter why there were family members running to the house with the ambulance and police being there. She is not worried about the men who want help she is

worried about the existing addicts that are located around her block who are cooking something in their garage that could blow up as her child walks to school.

Dave and Judy Sawtell were present and stated that they live in Curtis Creek Subdivision. He is not in favor of the application. Most of his questions have been asked already. He asked if the staff members have any credentials.

Andy Collins replied that we have all graduated from the ministry and they have had training within the teens challenge USA. In order for them to be an accredited center they all have to go through a level of training within the ministry within the guidelines.

Someone was present and stated that according to the letter he received it states that they will work half days and then go to church (attend bible school) who is employing them for the half day and who is supporting their families when they are only working half days?

Andy Collins replied that the half days of work is from the business companies within the community. The families will struggle but you need to remember the addicts have not been a financial resource for their families for awhile. When they do complete their training and program they will actually be able to be an asset to their family.

Rich Garmon was present and wanted to know who signed the contract and can they leave anytime they want to?

Andy Collins replied that there are dismissal procedures and they will be driven to the location. They will not be able to walk on their own.

Marty Park was present and asked if there is a way the board can do a temporary variance where you give them a certain amount of time and then the application is reviewed and if they have not meet the standards the variance is voided. Since this is new to our County there are a lot of questions and concerns regarding this application?

Attorney Sammons replied that he knows you can put conditions on a variance approval but he is not sure you can put a time limit on the variance. He would have to look into finding out if the board could put a time limit on the application.

Suzanne Steinke stated that she knows they need this type of housing but is there a way it could fall within the City's limits of Rensselaer or does it have to be in the rural area?

Jeff Philips replied that there are a number of things that the board members are looking for when they were looking for a site. This site actually fell to them. They are looking at another site as well but they have not received any answers from them at this time.

Ron Koebecke was present and stated that he rents the farm ground around the proposed application and that is their farm equipment and shop. He feels this is going to cost them time and money having to work around them.

Scott Walstra made the motion to continue the application to the next regularly scheduled meeting on January 22, 2018 at 7:00pm. so we can get some answers to our questions that we have. 1. Can the board put a time limit on the use variance application? Is there other precedence in States or Courts that have rules with this type of use variance? 3. More clarity in regards to our county rules with the fair housing residential use. Motion was seconded by Mark Jordan and carried unanimously.

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Public Comments:

There were none.

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Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

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Jim Martin, Chairman